

**MAR 15 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

NURY CLARIBAL MARROQUIN DE  
MORENO,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

Nos. 04-72552  
04-73882

Agency No. A78-316-098

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 8, 2006\*\*

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

Nury Claribal Marroquin de Moreno, a native and citizen of El Salvador,  
petitions for review of an order of the Board of Immigration Appeals (“BIA”)  
dismissing her appeal from an immigration judge’s (“IJ”) order denying her

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”) (No. 04-72552) and for review of a BIA order denying her motion for reconsideration of that order (No. 04-73882). We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing purely legal issues de novo, *Cruz-Navarro v. INS*, 232 F.3d 1024, 1028 (9th Cir. 2000), the agency’s factual findings for substantial evidence, *id.*, and the BIA’s denial of a motion for reconsideration for abuse of discretion, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), we dismiss in part and deny in part the petition for review.

Marroquin de Moreno has failed to exhaust her claim of ineffective assistance of counsel, thereby depriving us of jurisdiction to review that claim. *See Ontiveros-Lopez v. INS*, 213 F.3d 1121, 1124 (9th Cir. 2000).

The BIA did not abuse its discretion in denying Marroquin de Moreno’s motion for reconsideration because she failed to show how the allegedly deficient translation of the proceedings prejudiced her case. *See Acewicz v. INS*, 984 F.2d 1056, 1063 (9th Cir.1993) (holding that the BIA properly rejected due process claim based on alleged inadequate translation because petitioners failed to show that a better translation would have made a difference in the outcome).

Substantial evidence supports the agency’s determination that Marroquin de Moreno did not establish past persecution or a well-founded fear of future

persecution on account of a protected ground based on her status as a police officer. *See Cruz-Navarro*, 232 F.3d at 1029 (“[p]ersecution occurring because a person is a current member of a police force or the military, . . . is ‘not *on account of* one of the [statutorily protected] grounds’”) (emphasis in original).

Accordingly, Marroquin de Moreno is not eligible for asylum.

Because Marroquin de Moreno failed to establish eligibility for asylum, she necessarily failed to meet the more stringent standard for withholding of removal. *See id.* at 1031.

Nor does the record compel the conclusion that it is more likely than not that Marroquin de Moreno would be subjected to torture if returned to the El Salvador, and she is therefore ineligible for CAT relief. *See Cano-Merida*, 311 F.3d at 966.

**In No. 04-72552, PETITION FOR REVIEW DENIED in part and  
DISMISSED in part. In No. 04-73882 PETITION FOR REVIEW DENIED.**